

most, that are the true test of the strength of our democracy. So I hope that the next President will carefully review the many recommendations that have been presented, because the future of our democracy depends on it.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair.

(The remarks of Mr. LEVIN pertaining to the introduction of S. 3577 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPREME COURT POLICE ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 956, S. 3296.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3296) to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, before the Senate is important legislation I introduced months ago to extend for 5 years the authority of the U.S. Supreme Court Police to protect Supreme Court Justices when they leave the Supreme Court grounds. Senator SPECTER cosponsored this measure with me. We have extended the Court police's authority to protect Justices before, the last time in 2004. This authority expires at the end of this year.

This is exactly the type of bill that should pass by unanimous consent without delay. I hotlined the bill and it was cleared on the Democratic side of the Senate for passage months ago, but I was told that there was a Republican objection. Although I would prefer to pass this measure clean, Senator KYL has insisted on adding an amendment. I will consent to this amendment because this bill needs to pass to extend the Supreme Court police's authority. The time for passage is now, without further delay.

Mr. REID. Mr. President, I ask unanimous consent that the Kyl amendment at the desk be agreed to; the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5645) was agreed to as follows:

(Purpose: To provide for a limitation on acceptance of honorary club memberships by justices and judges)

At the end of the bill, add the following:

SEC. 2. LIMITATION ON ACCEPTANCE OF HONORARY CLUB MEMBERSHIPS.

(a) DEFINITIONS.—In this section:

(1) GIFT.—The term "gift" has the meaning given under section 109(5) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(2) JUDICIAL OFFICER.—The term "judicial officer" has the meaning given under section 109(10) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(b) PROHIBITION ON ACCEPTANCE OF HONORARY CLUB MEMBERSHIPS.—A judicial officer may not accept a gift of an honorary club membership with a value of more than \$50 in any calendar year.

The bill (S. 3296), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNITED STATES SUPREME COURT POLICE AND COUNSELOR TO THE CHIEF JUSTICE.

(a) EXTENSION OF AUTHORITY OF THE UNITED STATES SUPREME COURT POLICE TO PROTECT COURT OFFICIALS OFF THE SUPREME COURT GROUNDS.—Section 6121(b)(2) of title 40, United States Code, is amended by striking "2008" and inserting "2013".

(b) COUNSELOR TO THE CHIEF JUSTICE.—

(1) OFFICE OF FEDERAL JUDICIAL ADMINISTRATION.—Section 133(b)(2) of title 28, United States Code, is amended by striking "administrative assistant" and inserting "Counselor".

(2) JUDICIAL OFFICIAL.—Section 376(a) of title 28, United States Code, is amended—

(A) in paragraph (1)(E), by striking "an administrative assistant" and inserting "a Counselor"; and

(B) in paragraph (2)(E), by striking "an administrative assistant" and inserting "a Counselor".

(3) ADMINISTRATIVE ASSISTANT TO THE CHIEF JUSTICE.—

(A) IN GENERAL.—Section 677 of title 28, United States Code, is amended—

(i) in the section heading, by striking "Administrative Assistant" and inserting "Counselor";

(ii) in subsection (a)—

(I) in the first sentence, by striking "an Administrative Assistant" and inserting "a Counselor"; and

(II) in the second and third sentences, by striking "Administrative Assistant" each place that term appears and inserting "Counselor"; and

(iii) in subsections (b) and (c), by striking "Administrative Assistant" each place that term appears and inserting "Counselor".

(B) TABLE OF SECTIONS.—The table of sections for chapter 45 of title 28, United States Code, is amended by striking the item relating to section 677 and inserting the following:

"677. Counselor to the Chief Justice."

SEC. 2. LIMITATION ON ACCEPTANCE OF HONORARY CLUB MEMBERSHIPS.

(a) DEFINITIONS.—In this section:

(1) GIFT.—The term "gift" has the meaning given under section 109(5) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(2) JUDICIAL OFFICER.—The term "judicial officer" has the meaning given under section 109(10) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(b) PROHIBITION ON ACCEPTANCE OF HONORARY CLUB MEMBERSHIPS.—A judicial officer may not accept a gift of an honorary club membership with a value of more than \$50 in any calendar year.

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of H.R. 2851 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 2851) to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2851) was ordered to a third reading, was read the third time, and passed.

QI PROGRAM SUPPLEMENTAL FUNDING ACT OF 2008

Mr. REID. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 3560 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3560) to amend title XIX of the Social Security Act to provide additional funds for the qualifying individual (QI) program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3560) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “QI Program Supplemental Funding Act of 2008”.

SEC. 2. FUNDING FOR THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

Section 1933(g)(2) of the Social Security Act (42 U.S.C. 1396u-3(g)(2)), as amended by section 111(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), is amended—

(1) in subparagraph (I), by striking “\$300,000,000” and inserting “\$315,000,000”; and

(2) in subparagraph (J), by striking “\$100,000,000” and inserting “\$130,000,000”.

SEC. 3. MANDATORY USE OF STATE PUBLIC ASSISTANCE REPORTING INFORMATION SYSTEM (PARIS) PROJECT.

(a) IN GENERAL.—Section 1903(r) of the Social Security Act (42 U.S.C. 1396b(r)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting “, in addition to meeting the requirements of paragraph (3),” after “a State must”; and

(2) by adding at the end the following new paragraph:

“(3) In order to meet the requirements of this paragraph, a State must have in operation an eligibility determination system which provides for data matching through the Public Assistance Reporting Information System (PARIS) facilitated by the Secretary (or any successor system), including matching with medical assistance programs operated by other States.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) take effect on October 1, 2009.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 4. INCENTIVES FOR THE DEVELOPMENT OF, AND ACCESS TO, CERTAIN ANTIBIOTICS.

(a) IN GENERAL.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

“(v) ANTIBIOTIC DRUGS SUBMITTED BEFORE NOVEMBER 21, 1997.—

“(1) ANTIBIOTIC DRUGS APPROVED BEFORE NOVEMBER 21, 1997.—

“(A) IN GENERAL.—Notwithstanding any provision of the Food and Drug Administration Modernization Act of 1997 or any other provision of law, a sponsor of a drug that is the subject of an application described in subparagraph (B)(i) shall be eligible for, with respect to the drug, the 3-year exclusivity period referred to under clauses (iii) and (iv) of subsection (c)(3)(E) and under clauses (iii) and (iv) of subsection (j)(5)(F), subject to the requirements of such clauses, as applicable.

“(B) APPLICATION; ANTIBIOTIC DRUG DESCRIBED.—

“(i) APPLICATION.—An application described in this clause is an application for marketing submitted under this section after the date of the enactment of this subsection in which the drug that is the subject of the application contains an antibiotic drug described in clause (ii).

“(ii) ANTIBIOTIC DRUG.—An antibiotic drug described in this clause is an antibiotic drug that was the subject of an application approved by the Secretary under section 507 of this Act (as in effect before November 21, 1997).

“(2) ANTIBIOTIC DRUGS SUBMITTED BEFORE NOVEMBER 21, 1997, BUT NOT APPROVED.—

“(A) IN GENERAL.—Notwithstanding any provision of the Food and Drug Administration Modernization Act of 1997 or any other provision of law, a sponsor of a drug that is the subject of an application described in subparagraph (B)(i) may elect to be eligible for, with respect to the drug—

“(i)(I) the 3-year exclusivity period referred to under clauses (iii) and (iv) of subsection (c)(3)(E) and under clauses (iii) and (iv) of subsection (j)(5)(F), subject to the requirements of such clauses, as applicable; and

“(II) the 5-year exclusivity period referred to under clause (ii) of subsection (c)(3)(E) and under clause (ii) of subsection (j)(5)(F), subject to the requirements of such clauses, as applicable; or

“(ii) a patent term extension under section 156 of title 35, United States Code, subject to the requirements of such section.

“(B) APPLICATION; ANTIBIOTIC DRUG DESCRIBED.—

“(i) APPLICATION.—An application described in this clause is an application for marketing submitted under this section after the date of the enactment of this subsection in which the drug that is the subject of the application contains an antibiotic drug described in clause (ii).

“(ii) ANTIBIOTIC DRUG.—An antibiotic drug described in this clause is an antibiotic drug that was the subject of 1 or more applications received by the Secretary under section 507 of this Act (as in effect before November 21, 1997), none of which was approved by the Secretary under such section.

“(3) LIMITATIONS.—

“(A) EXCLUSIVITIES AND EXTENSIONS.—Paragraphs (1)(A) and (2)(A) shall not be construed to entitle a drug that is the subject of an approved application described in subparagraphs (1)(B)(i) or (2)(B)(i), as applicable, to any market exclusivities or patent extensions other than those exclusivities or extensions described in paragraph (1)(A) or (2)(A).

“(B) CONDITIONS OF USE.—Paragraphs (1)(A) and (2)(A)(i) shall not apply to any condition of use for which the drug referred to in subparagraph (1)(B)(i) or (2)(B)(i), as applicable, was approved before the date of the enactment of this subsection.

“(4) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding section 125, or any other provision, of the Food and Drug Administration Modernization Act of 1997, or any other provision of law, and subject to the limitations in paragraphs (1), (2), and (3), the provisions of the Drug Price Competition and Patent Term Restoration Act of 1984 shall apply to any drug subject to paragraph (1) or any drug with respect to which an election is made under paragraph (2)(A).”.

(b) TRANSITIONAL RULES.—

(1) With respect to a patent issued on or before the date of the enactment of this Act, any patent information required to be filed with the Secretary of Health and Human Services under subsection (b)(1) or (c)(2) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) to be listed on a

drug to which subsection (v)(1) of such section 505 (as added by this section) applies shall be filed with the Secretary not later than 60 days after the date of the enactment of this Act.

(2) With respect to any patent information referred to in paragraph (1) of this subsection that is filed with the Secretary within the 60-day period after the date of the enactment of this Act, the Secretary shall publish such information in the electronic version of the list referred to at section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)) as soon as it is received, but in no event later than the date that is 90 days after the enactment of this Act.

(3) With respect to any patent information referred to in paragraph (1) that is filed with the Secretary within the 60-day period after the date of enactment of this Act, each applicant that, not later than 120 days after the date of the enactment of this Act, amends an application that is, on or before the date of the enactment of this Act, a substantially complete application (as defined in paragraph (5)(B)(iv) of section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j))) to contain a certification described in paragraph (2)(A)(vii)(IV) of such section 505(j) with respect to that patent shall be deemed to be a first applicant (as defined in paragraph (5)(B)(iv) of such section 505(j)).

SEC. 5. CLARIFICATION OF AUTHORITY FOR USE OF MEDICAID INTEGRITY PROGRAM FUNDS.

(a) CLARIFICATION OF AUTHORITY FOR USE OF FUNDS.—

(1) IN GENERAL.—Section 1936 of the Social Security Act (42 U.S.C. 1396u-6) is amended—

(A) in subsection (b)(4), by striking “Education of” and inserting “Education or training, including at such national, State, or regional conferences as the Secretary may establish, of State or local officers, employees, or independent contractors responsible for the administration or the supervision of the administration of the State plan under this title,”; and

(B) in subsection (e), by striking paragraph (2) and inserting the following:

“(2) AVAILABILITY; AUTHORITY FOR USE OF FUNDS.—

“(A) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

“(B) AUTHORITY FOR USE OF FUNDS FOR TRANSPORTATION AND TRAVEL EXPENSES FOR ATTENDEES AT EDUCATION, TRAINING, OR CONSULTATIVE ACTIVITIES.—

“(i) IN GENERAL.—The Secretary may use amounts appropriated pursuant to paragraph (1) to pay for transportation and the travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business, of individuals described in subsection (b)(4) who attend education, training, or consultative activities conducted under the authority of that subsection.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of section 1936 of the Social Security Act, as added by section 6034(a) of the Deficit Reduction Act of 2005 (Public Law 109-171).

(b) PUBLIC DISCLOSURE.—

(1) IN GENERAL.—Section 1936(e)(2)(B) of such Act (42 U.S.C. 1396u-6(e)(2)(B)), as added by subsection (a) of this section, is amended by adding at the end the following:

“(ii) PUBLIC DISCLOSURE.—The Secretary shall make available on a website of the Centers for Medicare & Medicaid Services that is accessible to the public—

“(I) the total amount of funds expended for each conference conducted under the authority of subsection (b)(4); and

“(II) the amount of funds expended for each such conference that were for transportation and for travel expenses.”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply to conferences conducted under the authority of section 1936(b)(4) of the Social Security Act (42 U.S.C. 1396u-6(b)(4)) after the date of enactment of this Act.

SEC. 6. FUNDING FOR THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking “\$2,220,000,000” and inserting “\$2,290,000,000”.

DEBBIE SMITH REAUTHORIZATION ACT OF 2008

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 5057 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 5057) to reauthorize the Debbie Smith DNA Backlog Grant Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate will pass the reauthorization of the Debbie Smith Act. I want to thank Senator BIDEN for his leadership in the Senate in supporting this important program, and I was pleased to work with him and others, as I have before, to ensure that the Debbie Smith grant program is given the authorization to continue its vital work.

I should take this opportunity to thank Debbie Smith for her courage and for the tireless efforts of her and her husband, Rob, on behalf of rape victims. In her own case, DNA testing led to the arrest and conviction of her attacker, but the backlog of rape kits waiting to be tested forced her to endure an excruciating wait before the culprit could be found and justice could be done. The legislation that she inspired and worked so hard to pass aims to ensure that other victims do not have to live in fear through a long and unnecessary delay.

In 2004, after years of work, Congress passed a significant package of criminal justice reforms known as the Justice for All Act, which substantially increased Federal resources available to State and local governments to combat crime with DNA technology. The Debbie Smith DNA Backlog Grant Program was a key component of that legislation. I worked hard for years to try to get the Debbie Smith Act passed, and I was thrilled in 2004 to finally be able to call Debbie to tell her that our hard work had paid off. I have pushed every year since for full funding of this crucial program.

As DNA testing moved to the front lines of the war on crime, forensic lab-

oratories nationwide experienced a significant increase in their caseloads, both in number and complexity. Funding simply did not keep pace with this increasing demand, and forensic labs nationwide became seriously bottlenecked.

Backlogs have seriously impeded the use of DNA testing in solving cases without suspects—and reexamining cases in which there are strong claims of innocence—as labs are required to give priority status to those cases in which a suspect is known. Solely for lack of funding, critical evidence remains untested while rapists and killers remain at large.

The Debbie Smith DNA Backlog Grant Program has given States help they desperately needed, and continue to need, to carry out DNA analyses of backlogged evidence. It has provided a strong starting point in addressing this serious problem, but much work remains to be done before we conquer these inexcusable backlogs. That is why I so strongly support reauthorization of this vital program.

Some in both Chambers have expressed a desire to expand and improve this program and other DNA testing programs. I share those goals and will work with others to pursue them next year. It is very important, though, that we reauthorize the Debbie Smith program now, when we can and should, and turn to more difficult tasks in the next Congress when we will be able to give them the attention they require.

This reauthorization bill authorizes \$755 million over the next 5 years to reduce the current backlog of unanalyzed DNA samples in the Nation's crime labs. I am glad that the Senate has passed it, and I hope the House promptly passes this version of the bill, and the President promptly signs it. I hope too that Congress fully funds this important program.

I want to make one point on the issue of rape kit testing, which this legislation does so much to promote and which Debbie Smith has worked so hard to make available for all victims of horrendous attacks. No victim should ever be required to pay the cost of a rape kit. Collecting and testing evidence from serious crimes is a responsibility our Government and our community bears, and it should never be seen as a revenue source for cities and towns. It appalls me that any official in any community would condone such a practice, and I hope it will stop.

I congratulate Debbie and Rob Smith on this key step toward the reauthorization of this important program, and I look forward to working with them to continue to find ways to protect women, assist crime victims, and bring criminals to justice.

Mr. REID. Mr. President, I ask unanimous consent that a Biden substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table with no intervening action or debate; and

any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5646) was agreed to, as follows:

(Purpose: to provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Debbie Smith Reauthorization Act of 2008”.

SEC. 2. GENERAL REAUTHORIZATION.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (c)(3), by—

(A) striking subparagraphs (A) through (D);

(B) redesignating subparagraph (E) and subparagraph (A); and

(C) inserting at the end the following:

“(B) For each of the fiscal years 2010 through 2014, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).”; and

(2) by amending subsection (j) to read as follows:

“(j) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Attorney General for grants under subsection (a) \$151,000,000 for each of fiscal years 2009 through 2014.”.

SEC. 3. TRAINING AND EDUCATION.

Section 303(b) of the DNA Sexual Assault Justice Act of 2004 (42 U.S.C. 14136(b)) is amended by striking “2005 through 2009” and inserting “2009 through 2014”.

SEC. 4. SEXUAL ASSAULT FORENSIC EXAM GRANTS.

Section 304(c) of the DNA Sexual Assault Justice Act of 2004 (42 U.S.C. 14136a(c)) is amended by striking “2005 through 2009” and inserting “2009 through 2014”.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5057), as amended, was read the third time, and passed.

METHAMPHETAMINE PRODUCTION PREVENTION ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 962, S. 1276.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1276) to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Methamphetamine Production Prevention Act of 2008”.

SEC. 2. CLARIFICATIONS REGARDING SIGNATURE CAPTURE AND RETENTION FOR ELECTRONIC METHAMPHETAMINE PRECURSOR LOGBOOK SYSTEMS.

Section 310(e)(1)(A) of the Controlled Substances Act (21 U.S.C. 830(e)(1)(A)) is amended by striking clauses (iv) through (vi) and inserting the following:

“(iv) In the case of a sale to which the requirement of clause (iii) applies, the seller does